IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NOs : 12291 of 1993 & 12737 of 1994

WRIT PETITION NO : 12291 of 1993

Between:

Dr.K.Suresh S/o. Sri Sreenivasan
Singareni Collieries Company Ltd., Bellampalli, Adilabad Dist

..... PETITIONER

AND

1 The Singareni Collieries Company Ltd., rep.by its Chairman

and Managing Director, Kothagudem, Khammam Dist.
2 The Chief General Manager,

The Singareni Collieries Company Ltd.,
Bellampalli (P) Adilabad Dist
3 Medical Suptd., Area Hospital The Singareni Collieries

Company Ltd., Bellampalli (P) Adilabad Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of writ of mandamus (i) declaring the office order No.CGM/BPA/9A/846, Dt.17/18-8-93 as illegal, arbitrary, and without jurisdiction and set aside the same (ii) declare that the action of the authorities in transferring the Health Dept., to the administrative control of the Medical Suptd., only in the case of Bellampalli unit, as illegal, arbitrary, (iii) to

declare that the Chief General Manager or the Chairman and Managing Director has not jurisdiction to change the policy for making the Health Dept., a subordinate to Medical Dept., without proper resolution of the company, (iv) compel the respondents to pay all the arrears of salary upto date and continue to pay from the month to month, (v) compel the respondents to draw the increments due to the petitioner from 30/11/1990 after issuing the appropriate orders and (vi) to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

WRIT PETITION NO : 12737 of 1994

Between:

Dr.K.Suresh S/o. Sri Sreenivasan
Singareni Collieries Company Ltd., Bellampalli, Adilabad Dist

..... PETITIONER

AND

1 Director (Personnel), The Singareni Collieries Company Limited

Kothagudem.

2 Additional C.M.E. (T &E) and Enquiry Officer (Sri Sukhlal),

The Singareni Collieries Company Limited, Kothagudem,

Khammam District.

3 Medical Suptd., Area Hospital The Singareni Collieries

Company Ltd., Bellampalli (P) Adilabad Dist

4 The Singareni Collieries Company Ltd., rep.by its Chairman

and Managing Director, Kothagudem, Khammam Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, especially one in the nature of Mandamus (i) to call for the records relating to the issue of Ref.C.28/1130 dt.21.06.1994 of the Director personnel, The Singareni Collieries Company Limited, and set aside the same as illegal, arbitrary and without jurisdiction (ii) to declare that the entire enquiry proceedings made in pursuance to the charge sheet no.C.28/2237 dt.2.11.1992 are illegal, void and without jurisdiction (iii) to compel the respondents to pay the salaries of the petitioner from 20.7.1992 upto date and (iv) to grant such other relief or reliefs as this Hon’bel Court may deem fit and proper.

Counsel for the Petitioner:MR.V.JOGAIAH SARMA

(in both)

Counsel for the Respondents : MR.K.SRINIVASAMURTHY (Standing counsel for Singareni Collieries Company Limited)

The Court made the following :

COMMON ORDER:

Both the writ petitions can be disposed of by a common order.

2. The petitioner, who was appointed as Health Officer in Singareni Collieries Company Limited, filed W.P.No.12291 of 1993, assailing the order passed by the Management, dated 17/18.08.1993, by which a direction was issued to all the Inspectors together with Health Officer to report to Medical Superintendent. But inasmuch as no cause of action survives in that regard consequent on filing the second writ petition, the said writ petition is dismissed as infructuous.

3. Coming to Writ Petition No.12737 of 1994, the petitioner originally filed the writ petition challenging the enquiry proceedings initiated against him. However, when the counter was filed to the effect that the final order of punishment was also passed on 23.06.1995 imposing the punishment of withholding two increments with cumulative effect, he amended the prayer and also sought to challenge the said order of punishment.

4. I need not go into the validity of punishment or otherwise, suffice it to say that an appeal lies to the Board of Directors, against the order of punishment passed by the appropriate authority. Admittedly, in the instant case, the petitioner has not availed the appeal remedy. Learned counsel for the petitioner also submits that he was not

paid the salary for number of years even though he reported to duty. This aspect can also be brought out in the appeal that may be filed by the petitioner before the Board of Directors.

5. Under those circumstances, W.P.No.12737 of 1994 is disposed of directing the petitioner to file an appeal to the Board of Directors against the order of punishment, dated 23.06.1995, within a period of two months from the date of receipt of a copy of this order, and on such appeal being filed, the same shall be disposed of by the Management, within a period of two months thereafter. No costs.

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G.BIKSHAPATHY, J

18th November, 2004

ts/mrr

To

1 The Chairman and Managing Director,, Singareni Collieries

Company Ltd., Kothagudem, Khammam Dist.
2 The Chief General Manager,

The Singareni Collieries Company Ltd.,
Bellampalli (P) Adilabad Dist
3 Medical Suptd., Area Hospital The Singareni Collieries

Company Ltd., Bellampalli (P) Adilabad Dist

4 Director (Personnel), The Singareni Collieries Company Limited

Kothagudem.

5 Additional C.M.E. (T &E) and Enquiry Officer,

The Singareni Collieries Company Limited, Kothagudem,

Khammam District.

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